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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Michael Ely

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WELSH & KATZ, LTD
120 S RIVERSIDE PLAZA
22ND FLOOR
CHICAGO, IL 60606

EXAMINER

POLLACK, MELVIN H

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/081,560	Applicant(s) ELY ET AL.	
	Examiner MELVIN H. POLLACK	Art Unit 2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>see attached office action</u> . |

DETAILED ACTION

Response to Arguments

1. This case has been transferred and assigned to a new examiner. Examiner gives full faith and credit to the original search and action, as disclosed in MPEP 704.01. The contact information of the new examiner is provided below.
2. Applicant's arguments, see Pp. 8-10, filed 20 December 2007, with respect to the rejection(s) of claim(s) 1-20 under Bogart and Grove have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Bogart and Lo, as disclosed below.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 6-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bogart et al (6,978,247) in view of Lo et al. (6,798,786).
5. For claims 1, 8, 15, Bogart teaches a business contact center (abstract) for interfacing customers with a business (col. 1, line 1 – col. 4, line 55; col. 18, lines 1-15), and the business center (Fig. 1, #100) comprising:
 - a. A plurality of media handlers (Fig. 2, #200-212) each including a control interface (Fig. 1, #110) and each of the plurality of media handlers configurable via the control interface to define a plurality of media services (each handler associated with a specific

media service) including at least one of routing media between selected media endpoints (handlers establish connections between contacts and resources), recording made from a selectable media resource, and playing selectable media to a selected media endpoint (col. 5, line 30 - col. 6, line 67);

- b. A conference controller (Fig. 1, #106) coupled with each of the plurality of media handlers (Figs. 1 and 2, #104) via the corresponding control interface (Fig. 1, #110), and the conference controller responsive to a customer contact to configure via the corresponding control interface an available one of the plurality of media handlers to define selected ones of the media services (service call), media sources (resources and agents) and media endpoints (customer contact such as phone, computer, etc.) for handling the customer contact (col. 5, line 30 – col. 6, line 50; col. 9, line 22 – col. 10, line 21), the controller including a communications and resource manager (col. 5, lines 5-40; col. 8, lines 55-65) which estimates resources to allocate in response to the customer contact and selects an available one of the media handlers based upon the current resource allocation (col. 9, lines 22-59).
6. Bogart does not expressly disclose that the resource to be allocated is bandwidth. Lo teaches a method and system (abstract) of managing call networks connected to media services (col. 1, line 1 – col. 3, line 40; col. 17, lines 10-50) wherein the controller includes a bandwidth manager which estimates a bandwidth requirement of the customer contact in response to the customer contact and selects an available one of the media handlers based upon a lowest media handler bandwidth load (col. 3, line 40 – col. 4, line 55). At the time the invention was made,

one of ordinary skill in the art would have added Lo to Bogart in order to manage the quality of voice calls and audio communications (col. 5, lines 55-60).

7. For claim 2, Bogart does not expressly disclose the bandwidth manager. Lo teaches that the bandwidth manager manages media handler selection for each customer contact by comparing the bandwidth requirement to current bandwidth availability on each media handler, and by lowering the bandwidth requirement were possible (sic) to enable selection if sufficient bandwidth is not available (col. 4, lines 10-55).

8. For claim 3, Bogart teaches the conference controller (Fig. 1, #106) further comprises an event handler (Fig. 1, #104) for determining a next media event for a customer contact based on a correlation between pre-defined call contact states and status and actual call status (col. 9, line 22 - col.10, line 21; col. 12, line 4 - col. 13, line 46).

9. For claim 4, Bogart teaches a plurality of agent communication devices (Fig. 2, #220) each having a control interface (Figs. 1 and 2, #111) coupled to the control interface of the conference controller (Fig. 1, #106) wherein each of the plurality of agent communication devices is configurable via the corresponding control interface to couple with a selected one of the plurality of media handlers (Fig. 2, #200-212; col. 5, line 30 - col. 6, line 50; col. 9, line 22-59).

10. For claim 6, Bogart teaches each of the plurality of agent communication devices further comprises: an agent interface for accepting input from an agent of requests (Fig. 2, #220) and for passing the requests to the conference controller (Fig. 1, #106) via the control interface to manage a customer contact session (col. 9, lines 22-59).

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11. For claims 7, 14, 20, Bogart teaches wherein the plurality of media handlers each further comprise: a call sequencer interacting with selected ones of the plurality of media services defined by each media handler to maintain consecutive sequence numbers in the real time packets output from the media handler from various media sources during a customer contact session (col. 9, line 22 - col.10, line 21; col. 15, lines 28-47). Bogart does not expressly disclose that the packets are in the real time protocol (RTP). Lo teaches this limitation (col. 5, line 25 - col. 6, line 5).

12. . For claims 9, 16, Bogart teaches the method for interfacing customers, further comprising in response to the configuring act, at least one of the following acts performed on the available one of the plurality of media handlers of

- a. routing media between selected media endpoints (i.e. "handlers 200-212 provide switching...They establish connections between contacts and resources") (col. 5, line 30-col. 6, line 50; col. 9, line 22-59);
- b. recording media from a selectable media source (col. 5, line 30-col. 6, line 50; col. 9, line 22-59); and
- c. playing selectable media to a selected media endpoint (col. 5, line 30-col. 6, line 50; col. 9, line 22-59).

12. For claim 10, Bogart teaches the call setup parameters passed in the passing act include at least outbound media ports (col. 9, line 22-42; col. 13, line 65 - col. 14, line 43) and a media service type (Table F, col. 15, lines 56-67).

13. For claims 11, 17, Bogart teaches the selecting act further comprises the act of: managing media handler selection for successive calling ones of the customers to effect a balancing of relative loads among the plurality of media handlers (Fig. 2, #200-212; Col. 9, L. 22-59).

14. For claims 12, 18, Bogart teaches the passing act further comprises the act of:

a. determining a next media event for the calling one of the customers based on a correlation between pre-defined call contact states and status and actual call status for the calling one of the customers (col. 9, line 22 - col. 10, line 21; col. 12, line 4 - col. 13, line 46); and

b. with the configuring act responsive to each determination in the determining act to reconfigure the available one of the plurality of media handlers (col. 9, line 22 - col. 10, line 21; col. 12, line 4 - col. 13, line 46).

15. For claims 13, 19, Bogart teaches the method for interfacing customers further comprising the act of: managing the available one of the plurality of media handlers (Fig. 2, #200-212) to define additional selected ones of a plurality of media services (service call), media sources (resources/agents) and media endpoints (customer contacts such as phone, computer, etc.) for handling the customer contact from an agent communication device (Fig. 2, #220) configured as a media endpoint in the configuring act (Fig. 2, #200-212; col. 5, line 30 - col. 6, line 50; col. 9, line 22 - col. 10, line 21).

16. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bogart and Lo as applied to claims 1, 4 above, and further in view of Sonesh et al. (6,046,762).

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17. For claim 5, Bogart teaches the communication layer 106 manages the plurality of agent communication devices (i.e. resources) and it responsive to a request for customer contact with an available agent to select an available one of the plurality of agent communication devices for coupling with the corresponding one of the plurality of media handlers handling the corresponding customer contact (col. 5, line 30 – col. 6, line 50; col. 9, line 22 - col. 10, line 21).

18. Bogart and Lo fail to expressly disclose an agent manager coupled to each of the plurality of agent communication devices via the corresponding control interface, and the agent manager responsive to a request for customer contact with selection of an available agent. Sonesh, in the same field of endeavor having closely related objectivity, teaches an agent manager coupled to each of the plurality of agent communication devices via the corresponding control interface, and the agent manager responsive to a request for customer contact with selection of an available agent (col. 3, lines 50-58; col. 5, line 60 - col. 6, line 8).

19. At the time the invention was made, it would have been obvious to one of ordinary skill in the art to have incorporated Sonesh's teachings of an agent manager coupled to each of the plurality of agent communication devices via the corresponding control interface, and the agent manager responsive to a request for customer contact with selection of an available agent, with Lo's teachings of system and method for high-performance delivery of web content using high-performance communications protocol between the first and second specialized intermediate nodes to optimize a measure of communications performance between the source and the destination, and the teachings of Bogart in multimedia customer care center having a layered control architecture, for the purpose of providing intelligent routing of messages/calls to agents for processing.

Conclusion

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. They regard further teachings on related subjects.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MELVIN H. POLLACK whose telephone number is (571)272-3887. The examiner can normally be reached on 8:00-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Melvin H Pollack/
Examiner, Art Unit 2145
18 April 2008